

# CITY OF ALBUQUERQUE



Office of the City Attorney  
Jessica M. Hernandez, City Attorney  
P.O. Box 2248  
Albuquerque, New Mexico 87103  
Phone (505) 768-4500 ~ Fax (505) 768-4440

September 23, 2016

The Honorable James O. Browning  
United States District Judge  
United States District Court  
Pete V. Domenici United States Courthouse  
333 Lomas Blvd N.W., Suite 660  
Albuquerque, New Mexico 87102

**RE: Veronica Dorato v. Officer Martin Smith, et al CIV-14-00365 JB/GBW**

Dear Judge Browning:

I write to you as a follow up to the hearing that was conducted on September 14, 2016 during which you heard multiple motions, including Plaintiff's Motion for Order to Show Cause. In discussing the merits of Plaintiff's Motion for Order to Show Cause, the Court questioned whether the defense had complied with the Court's order directing that the City provide Officer Smith's psychological records which the City had which were for the benefit of the City. In support of the defense arguments that Defendant had complied with the Court's order, I submitted an affidavit from Troy Rodgers, PhD. As the Court is aware, I was taken aback when the Court questioned the veracity of the information contained in the affidavit and the representations made by me because I take my obligations to the Court very seriously.

In order to once again assure the Court that Defendant had complied with the order, I went to the Behavioral Sciences Division myself and personally spoke to Dr. Cara Wilson and the records custodian, Lenora Martinez, and looked through the records that they had for Martin Smith to ensure compliance with the order. I also wrote the enclosed letter to Dr. Wilson to request that they conduct an exhaustive search for:

- 1) Any records for any post shooting psychological evaluation that Officer Smith has undergone pursuant to the enclosed Standard Operating Procedure 1-14-2;
- 2) Any psychological evaluation that was conducted when Officer Smith was re-hired in 2000;
- 3) Any psychological evaluation that was conducted for the benefit of the City of Albuquerque; and
- 4) Any psychological evaluation that was conducted for the benefit of both the City of Albuquerque and Officer Smith.

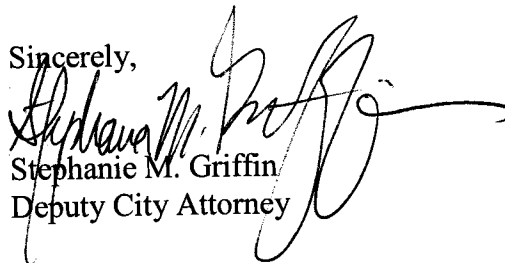
10/2/16

1001-9-28-16

Dorato v. Smith et al CIV 14-00365 JB-GBW  
September 23, 2016  
Page 2

In response, Dr. Wilson provided me with the enclosed letter dated September 21, 2016 wherein she represents that an exhaustive search for this information was conducted and she was unable to locate any of the requested documentation. I offer this letter as further proof to the Court that the representations that I made during the hearing and the representations made by Dr. Rodgers in the affidavit were truthful, and I hope that the Court will so reflect in the record.

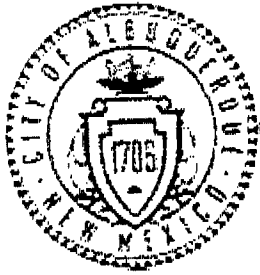
Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie M. Griffin', with a long, sweeping horizontal line extending to the right.

Stephanie M. Griffin  
Deputy City Attorney

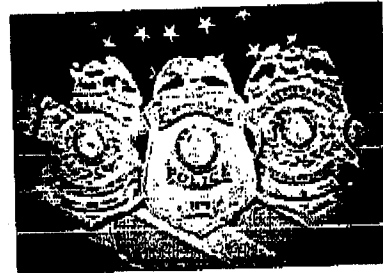
Encls: as stated

cc: Frances Carpenter, Attorney for Plaintiff



# CITY OF ALBUQUERQUE

Albuquerque Police Department  
Gorden Eden, Chief of Police



Behavioral Sciences Division  
1501 Broadway Blvd. SE  
Albuquerque, NM 87102  
(505) 764-1600  
(505) 764-1500 Fax

DATE:

9/23/16

TO:

STEPHANIE GRIFFIN

FROM:

LENDRA MARTINEZ FOR DR. CARA WILSON

FAX#:

768-4525

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

COMMENTS:

\* Confidential \*

**Albuquerque Police Department**

**Behavioral Sciences Section**

1501 Broadway Blvd. SE

Albuquerque, NM 87102

Office 764-1600 Fax 764-1500

September 21, 2016

Ms. Stephanie M. Griffin

Deputy City Attorney

City of Albuquerque

P.O. Box 2248

Albuquerque, NM 87103

Re: Veronica Dorato v. Officer Martin Smith, et al CIV-14-00365 JB/GBW

Dear Ms. Griffin:

I am in receipt of your request of September 15, 2016, regarding certain records for Officer Martin Smith. My staff and I have made an exhaustive search for the requested information and we are unable to locate any of the requested documents.

Sincerely,



Cara C. Wilson, Ph.D

Contract Psychologist

APD Behavioral Sciences Section

# Transmission Report

Date/Time  
Local ID 1

09-15-2016  
505-768-4440

04:42:18 p.m.

Transmit Header Text  
Local Name 1

City of Albuquerque - LG  
LG Litig. LGLNH06

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"



Legal Department  
P. O. Box 2248  
Albuquerque, NM 87103  
Phone: (505) 768-4300  
Fax: (505) 768-4440

Richard J. Berry, Mayor

Jessica Hernandez, City Attorney

## FACSIMILE TRANSMISSION

**DATE:** September 15, 2016  
**TO:** Cara Wilson PsyD and/or Records Custodian for the APD Behavioral Sciences Division  
**Fax Number:** (505)764-1500

**RE:** Dorato, Veronica, as Personal Representative of the Wrongful Death Claim of Daniel Tillison, et al. v. Officer Martin Smith, et al., CV-2014-01897

Pages including cover page: 3

**FROM:** Juanita Saavedra  
Legal Assistant to  
Stephanie M. Griffin  
City of Albuquerque  
Office of the City Attorney  
(505) 768-4500  
(505) 768-4440 FAX

### Confidentiality Note

The information contained in this message and all attachments is confidential or legally privileged, to be read, used and relied upon only by the intended recipient. If you are not the intended recipient, you are hereby notified that any unauthorized disclosure, copying, distribution or action taken in reliance on the contents of this transmission is strictly prohibited. If you received this message in error, please notify Deanna Olivares, [dtolina@cabq.gov](mailto:dtolina@cabq.gov) or 505-768-4500 and destroy the message immediately.

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	314	915057641500	04:38:53 p.m. 09-15-2016	00:02:45	3/3	1	G3	HS	CP14400

### Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

## CITY OF ALBUQUERQUE



Office of the City Attorney  
 Jessica M. Hernandez, City Attorney  
 P.O. Box 2248  
 Albuquerque, New Mexico 87103  
 Phone (505) 768-4500 ~ Fax (505) 768-4440

September 15, 2016

Cara Wilson PsyD and/or  
 Records Custodian for the  
 APD Behavioral Sciences Division

**RE: Veronica Dorato v. Officer Martin Smith, et al CIV-14-00365 JB/GBW**

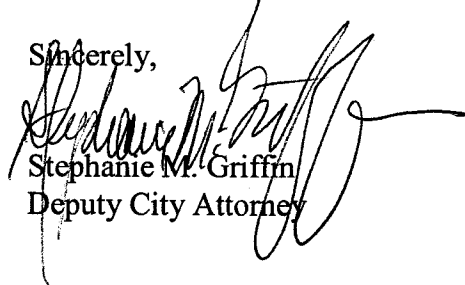
Dear Dr. Wilson and/or Records Custodian:

I attended a court hearing yesterday in the above referenced case on behalf of Officer Martin Smith and the City of Albuquerque. During the hearing, questions were raised as to whether the Behavioral Sciences Division complied with the court's order which I mailed to Dr. Troy Rodgers on December 30, 2015. I realize that Dr. Rodgers has submitted two affidavits wherein he verifies his compliance with the court's order; however, the court has directed that I obtain:

- 1) Any records for any post shooting psychological evaluation that Officer Smith has undergone pursuant to the enclosed Standard Operating Procedure 1-14-2;
- 2) Any psychological evaluation that was conducted when Officer Smith was re-hired in 2000;
- 3) Any psychological evaluation that was conducted for the benefit of the City of Albuquerque; and
- 4) Any psychological evaluation that was conducted for the benefit of both the City of Albuquerque and Officer Smith.

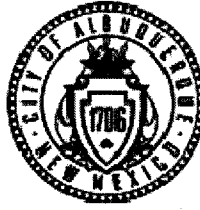
I would appreciate it if you could provide me with a copy of any of the aforementioned items on or before September 23, 2016. On December 30, 2015, Dr. Rodgers faxed me a psychological screening evaluation that took place in 1994 so you do not need to reproduce this information. If you are unable to locate or do not have any of the aforementioned items, I would appreciate it if you could please verify for me whether you conducted an exhaustive search for the listed information. Thank you.

Sincerely,

  
 Stephanie M. Griffin  
 Deputy City Attorney

Encls: as stated





**Legal Department**  
**P. O. Box 2248**  
**Albuquerque, NM 87103**  
**Phone: (505) 768-4500**  
**Fax: (505) 768-4440**

**Richard J. Berry, Mayor**

**Jessica Hernandez, City Attorney**

**FACSIMILE TRANSMISSION**

<b>DATE:</b>	September 15, 2016	
<b>TO:</b>	<i>Cara Wilson PsyD and/or Records Custodian for the APD Behavioral Sciences Division</i>	<b>Fax Number: (505)764-1500</b>

<b>RE:</b>	Dorato, Veronica, as Personal Representative of the Wrongful Death Claim of Daniel Tillison, et al. v. Officer Martin Smith, et al., CV-2014-01897
------------	--

**Pages including cover page: 3**

<b>FROM:</b>	Juanita Saavedra Legal Assistant to Stephanie M. Griffin City of Albuquerque Office of the City Attorney	(505) 768-4500 (505) 768-4440 FAX
--------------	--	--------------------------------------

**Confidentiality Note**

The information contained in this message and all attachments is confidential or legally privileged, to be read, used and relied upon only by the intended recipient. If you are not the intended recipient, you are hereby notified that any unauthorized disclosure, copying, distribution or action taken in reliance on the contents of this transmission is strictly prohibited. If you received this message in error, please notify Deanna Olivares, dtinlin@cabq.gov or 505-768-4500 and destroy the message immediately.

*Office of the City Attorney  
Jessica M. Hernandez, City Attorney  
P.O. Box 2248  
Albuquerque, New Mexico 87103  
Phone (505) 768-4500 ~ Fax (505) 768-4440*

September 15, 2016

Cara Wilson PsyD and/or  
Records Custodian for the  
APD Behavioral Sciences Division

**RE: Veronica Dorato v. Officer Martin Smith, et al CIV-14-00365 JB/GBW**

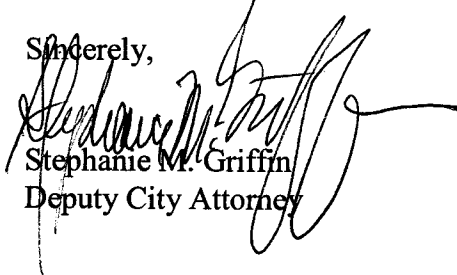
Dear Dr. Wilson and/or Records Custodian:

I attended a court hearing yesterday in the above referenced case on behalf of Officer Martin Smith and the City of Albuquerque. During the hearing, questions were raised as to whether the Behavioral Sciences Division complied with the court's order which I mailed to Dr. Troy Rodgers on December 30, 2015. I realize that Dr. Rodgers has submitted two affidavits wherein he verifies his compliance with the court's order; however, the court has directed that I obtain:

- 1) Any records for any post shooting psychological evaluation that Officer Smith has undergone pursuant to the enclosed Standard Operating Procedure 1-14-2;
- 2) Any psychological evaluation that was conducted when Officer Smith was re-hired in 2000;
- 3) Any psychological evaluation that was conducted for the benefit of the City of Albuquerque; and
- 4) Any psychological evaluation that was conducted for the benefit of both the City of Albuquerque and Officer Smith.

I would appreciate it if you could provide me with a copy of any of the aforementioned items on or before September 23, 2016. On December 30, 2015, Dr. Rodgers faxed me a psychological screening evaluation that took place in 1994 so you do not need to reproduce this information. If you are unable to locate or do not have any of the aforementioned items, I would appreciate it if you could please verify for me whether you conducted an exhaustive search for the listed information. Thank you.

Sincerely,

  
Stephanie M. Griffin  
Deputy City Attorney

Encls: as stated



**ALBUQUERQUE POLICE DEPARTMENT**  
**\* GENERAL ORDERS\***

Effective: 07/13/99; 12/20/96; Replaces: 09/30/93  
 97-GOC3

1-14-1  
 cont'd

- D. Referrals or counseling services for family members will be accommodated as the BSD counseling schedule allows. Family members may be referred to outside resources.

1-14-2      **OFFICER-INVOLVED SHOOTINGS**

In the event of an officer-involved shooting, the on-call BSD psychologist will be contacted by Communications to respond to the scene. BSD will provide support for the officer(s) before the officer(s) are transported from the scene. BSD will conduct a one-on-one interview with the officer(s), after the officer(s) is interviewed by a Police Shooting Team Detective. BSD will:

- A. Provide the appropriate level of support/assistance to the officer(s) before the officer(s) is released from the investigation.
- B. Advise the officer(s) chain of command regarding the minimum mandatory three days of paid Administrative Leave.
- C. Meet with the officer(s) family members or significant other upon request; and,
- D. Interview the officer(s) following Administrative Leave to determine additional needs before they return to regular duty status.

1-14-3      **BSD RESPONSE TO SWAT ACTIVATIONS**

In the event of a SWAT activation, the on-call BSD psychologist will be contacted by SWAT supervisors to respond to the scene.

BSD provides on-scene Crisis Negotiations Team (CNT) consultation during the SWAT activation. BSD does not have tactical decision-making responsibility. Consultation includes, but is not limited to, strategies for negotiations, interviewing of involved persons, liaison with mental health/medical resources, debriefing of CNT personnel at the conclusion of an incident, and follow-up contact with involved persons as appropriate.

1-14-4      **CRITICAL INCIDENT RESPONSE OTHER THAN OFFICER-INVOLVED SHOOTINGS**

- A. Responses to stressful events involving significant emotional trauma, serious injury, or death to employees of the Department will be handled by BSD personnel. BSD personnel will respond to the affected employee's location, as appropriate, in a timely manner. Following contact with on-scene investigative personnel, BSD will provide the following services: